

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Case No. 8285/601

3. I participated in an interview with the examiner assigned to this case, Randal D. Moran, on October 28, 2009, to discuss the arguments filed with the Pre-

appeal Brief Request for Conference. I did not waive or otherwise terminate the Pre-appeal Brief Request Review.

4. I received an interview summary filed by Examiner Moran on November 3, 2009. In response to Examiner Moran's interview summary, I filed an interview summary on December 1, 2009.

5. I never received a Pre-Appeal Brief Conference Decision. I reviewed the Patent Application Information Retrieval (PAIR) system for the above-referenced application. Based on my review of the PAIR record for this application, it appears that a Pre-Appeal Brief Conference Decision was never issued.

6. At 1:25 CDT on Friday, April 23, 2010 I received a voicemail message from Examiner Moran at 443-790-5194, as shown in the attachment. An internet search reveals that the telephone number 443-790-5194 is apparently a private telephone number used by Examiner Moran, as shown in the attachment.

7. In the voicemail message, Examiner Moran stated that he called to check the status of the above-referenced application. Examiner Moran also stated that he intended to abandon the above-referenced application because an appeal brief was not filed. Examiner Moran invited me to contact him with any questions.

8. I called Examiner Moran at 1-571-270-1255 at 10:49AM CDT on Monday, April 26, 2010. I left a voicemail message for Examiner Moran asking him to call me back with respect to this application. I did not receive a response to this message.

9. I called Examiner Moran at 1-571-270-1255 at 2:24PM CDT on Tuesday April 27, 2010. I left a voicemail message for Examiner Moran asking him to call me back with respect to this application. I did not receive a response to this message.

10. On April 26, 2010 Examiner Moran mailed the attached Notice of Abandonment. I retrieved the Notice of Abandonment from the PAIR system. The Notice of Abandonment indicates that Examiner Moran "Contacted Kevin Patariu (312)321-4200 on 4/23/2010 to confirm."

11. I did not speak to Examiner Moran on April 23, 2010, and I did not confirm that the above-referenced case should be abandoned. The telephone number (312)321-4200 is the main number for Chicago office of the law firm where I am employed. However, on April 23, I was out of the office for a meeting in Las Vegas, Nevada, as shown by the attached airline ticket receipt and baggage claim checks.

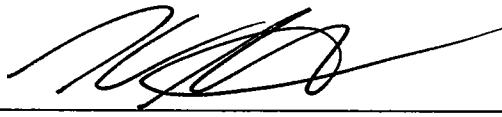
12. The above-referenced application has been transferred to another law firm, as indicated by the Power of Attorney which was filed on February 22, 2010 and accepted by the USPTO on March 2, 2010. Therefore, I am no longer an attorney of

record for the above-referenced application.

13. The abandonment was improper because Examiner Moran did not respond to the Pre-Appeal Brief Request for Conference.

The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: April 28, 2010



Kevin John Patariu
Reg. No. 63,210